

PATENT COOPERATION TREATY

REC'D 26 JAN 2006

WIPO

PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/004113

International filing date (day/month/year)
29.09.2004

Priority date (day/month/year)
29.09.2003

International Patent Classification (IPC) or both national classification and IPC
A47J36/02, H05B6/64

Applicant
RUTHERFORD, Stephen, Graham

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Lehe, J

Telephone No. +31 70 340-3108



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/004113

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/004113

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 14-22, 24-33, 37, 38

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 14-22, 24-33, 37, 38
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/004113

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-13,23,34-36

Box No. V Reasoned statement under Rule 43b/s.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|--------------------------|
| Novelty (N) | Yes: Claims | 3,4,7,8 |
| | No: Claims | 1-2,5,6,9-13,23,34,35,36 |
| Inventive step (IS) | Yes: Claims | 3-4,7-8 |
| | No: Claims | 1-2,5-6,9-13,23,34-36 |
| Industrial applicability (IA) | Yes: Claims | 1-13,23,34-36 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item III.

1. Non-Unity

2. The last two claims of the set of claims (30, 31), which were construed as claims 37,38 refer to the description and the drawings and contain no further technical feature. Therefore they violate rule 6.2a, PCT and were not searched. Therefore no opinion regarding these claims could be formulated.

Re Item IV.

The separate groups of inventions are:

1-13,23,34-36

Platter with a recess which tapers outwards

14-21

Platter with a central region devoid of apertures

22

Platter incorporating an indentation

24-31

Platter made of liquid crystal polymer resin

32-33

Platter having two major surfaces

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The definitions of the different (groups of) claimed inventions are only intended to identify said inventions in a concise manner. They may well, as such, comprise terms or generalisations which upon a close analysis could be found to extend the defined subject-matter beyond the contents of the applications as filed. The last two claims of the set of claims were renumbered from 30,31 to 37,38 because the claim-numbers 30 and 31 were already used for other claims.

Document D1 (US4427706) discloses a platter for use in a forced air / microwave oven, containing all the features of claims 1, 2, 23 and 24. Therefore these claims do not contain any features which could be considered as special technical features (STF as defined in Rule 13.2. PCT).

Group 1:

Claim 3 contains the feature of a recess which tapers outwards towards the upper surface. This feature is not known by D1 and therefore considered the as the STF of the first group of claims, which is intended to be a contribution over this prior art. This feature apparently solves the problem of reducing the contact between the cookware and the platter (description p. 5, l. 5-7).

Group 2:

The special technical features, as defined in Rule 13.2, of the second group of claims, which are intended to be a contribution over said prior art, i.e. the features of the central region being substantially devoid of apertures (cf. claim 14) This feature apparently solves the problem of impeding food matter from passing through the holes onto the base of the oven chamber (description p. 6, l. 23 - p. 7, l. 1)

Group 3:

The special technical features, as defined in Rule 13.2, of the third group of claims, which are intended to be a contribution over said prior art, i.e. the features of a platter incorporating an indentation shaped to receive an item of cookware (cf. claim 22) This feature apparently solves the problem of aligning the cookware with microwave radiation in the oven in use.

Group 4:

The features of claim 24 are known from D1 (col. 4, l. 55-61). The STF's of this group was considered to be found in claim 25, namely liquid crystal polymer resin reinforced with glass. This feature apparently solves the problem of being easy to clean (description p. 7, l. 14-17).

Group 5:

The special technical features, as defined in Rule 13.2, of the third group of claims, which are intended to be a contribution over said prior art, i.e. the features of a first major surface and a second major surface, the surface area of the first major surface being greater than the second major surface (cf. claim 32) This feature apparently solves the problem of concentrating heat flux.

No same or similar special technical features can be determined and different underlying problems are solved. Moreover, it is clear that the two claimed inventions can be applied independently of each other, i.e they are not necessarily inter-related.

It appears therefore that no technical relationship between the various claimed inventions exists involving one or more of the same or corresponding special technical features. The 5 groups of claims are thus not so linked as to form a single general inventive concept.

Re Item V.

- 1 The following documents are referred to in this communication:

D1 : US 4 427 706 A (EL-HAG NABIL A) 24 January 1984 (1984-01-24)

D2 : US 5 630 960 A (GOMEZ JULIO A) 20 May 1997 (1997-05-20)

2 **INDEPENDENT CLAIM 1**

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 (fig. 1,3) discloses (the references in parenthesis applying to this document):

A platter (10) for use in a forced air / microwave combination oven (col. 3, l. 16-19), the platter comprising an upper surface and a lower surface and incorporating a plurality of apertures (16) passing through the thickness of the platter; wherein one or both of the surfaces of the platter incorporate a recess (18) substantially surrounding at least one of the apertures.

The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claims 23, and 34, which therefore are also considered not new.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2004/004113

- 2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 35 is not new in the sense of Article 33(2) PCT. Document D1 (col. 8, l. 5-23) discloses (the references in parenthesis applying to this document):

A method of cooking using an oven having a platter as in claim 1.

3. Dependent claims 2,5,6,9-13 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step, see document D1 and D2 and the corresponding passages cited in the search report.
4. The combination of the features of dependent claims 3,4,7 and 8 is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows: A recess which is tapered outwardly towards the upper surface is neither disclosed nor rendered obvious by any of the cited documents.
